

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #13	CCRB Case #: 201904531	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/25/2019 11:40 PM	Location of Incident: § 87(2)(b)	Precinct: 121	18 Mo. SOL 11/25/2020	EO SOL 7/12/2021	
Date/Time CV Reported Tue, 05/28/2019 8:50 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 05/28/2019 8:50 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM David Parisi	25025	955296	121 PCT
2. Officers			121 PCT
3. An officer			121 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Daniel Green	00000	936071	121 PCT
2. POM Edward Aswad	21351	951514	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered § 87(2)(b) 2nd Floor in Staten Island.	
B. POM David Parisi	Abuse: Police Officer David Parisi entered § 87(2)(b) 1st Floor in Staten Island.	
C. An officer	Force: An officer used physical force against § 87(2)(b)	
D. Officers	Force: Officers used physical force against § 87(2)(b)	
E. Officers	Force: Officers used physical force against § 87(2)(b)	
F. Officers	Force: Officers used a chokehold against § 87(2)(b)	
G. Officers	Force: Officers restricted § 87(2)(b)'s breathing.	
H. Officers	Force: Officers used a chokehold against § 87(2)(b)	
I. Officers	Force: Officers restricted § 87(2)(b)'s breathing.	
J. Officers	Force: Officers used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
K. An officer	Force: An officer used a chokehold against § 87(2)(b) [REDACTED]	[REDACTED]
L. Officers	Abuse: Officers searched § 87(2)(b) [REDACTED] 1st Floor in Staten Island.	[REDACTED]

Case Summary

On May 28, 2019, § 87(2)(b) filed this complaint on behalf of her § 87(2)(b) old son, § 87(2)(b) grandmother, § 87(2)(b) brother, § 87(2)(b) aunt, § 87(2)(b) and cousins, § 87(2)(b) -old § 87(2)(b) § 87(2)(b) -old § 87(2)(b) and § 87(2)(b).

On May 25, 2019, at about 11:40 p.m., officers arrived at § 87(2)(b) in Staten Island, in response to a 911 call reporting fighting at the location. Officers allegedly entered § 87(2)(b), 2nd Floor (**Allegation A – Abuse of Authority**, § 87(2)(g)). PO David Parisi, of the 121st Precinct, entered § 87(2)(b), 1st Floor (**Allegation B – Abuse of Authority**, § 87(2)(g)). An officer allegedly knocked down § 87(2)(b) (**Allegation C – Force**, § 87(2)(g)). Officers allegedly used physical force against § 87(2)(b) and § 87(2)(b) (**Allegations D-E – Force**, § 87(2)(g)). Officers allegedly used a chokehold against § 87(2)(b) and § 87(2)(b) which restricted their breathing (**Allegation F-I – Force**, § 87(2)(g)). Officers allegedly used physical force against § 87(2)(b) (**Allegation J – Force**, § 87(2)(g)). An officer allegedly used a chokehold against § 87(2)(b) (**Allegation K: Force**, § 87(2)(g)). Officers allegedly searched § 87(2)(g) 1st Floor (**Allegation L – Abuse of Authority**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) were arrested and charged with § 87(2)(a) 160.50. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)].

Cell phone video of the incident was obtained and is attached to IA#30 (BR02) and summarized in IA #50 (BR03). The NYPD refused to release Body Worn Camera (BWC) video related to this incident due to the sealed arrest of juveniles, § 87(2)(b) and § 87(2)(b) for whom the CCRB could not obtain unsealing orders (BR04).

Findings and Recommendations

Allegation (A) Abuse of Authority: Officers entered § 87(2)(b), 2nd Floor in Staten Island.

§ 87(2)(b) testified that she was hosting a family barbeque at § 87(2)(b), which is a two-family home in which she rents the first-floor apartment (BR05). The second-floor apartment is rented by one of her daughters, § 87(2)(b). Each apartment is accessible by its own entrance at the front of the house. § 87(2)(b) called 911 during the barbeque because one of her granddaughters, § 87(2)(b) became intoxicated and threatened to fight and cause physical harm to § 87(2)(b) and other family members while brandishing pepper spray and a grilling fork. § 87(2)(b) banged on the door to § 87(2)(b)'s apartment and continued to threaten § 87(2)(b) and other persons in the home until officers arrived. Once officers arrived, § 87(2)(b) ran through the front door that leads to the second-floor apartment. § 87(2)(b) came outside, pointed at § 87(2)(b) and said, "Officers, that's the one, that ran up the stairs." Five or six officers entered the front door that leads to the second-floor apartment, seemingly in pursuit of § 87(2)(b) § 87(2)(b) could only describe one of these officers and she could only describe him as a white male with dark hair.

§ 87(2)(b) and § 87(2)(b) were unavailable to the investigation (See IAs for contact attempts). § 87(2)(b) and § 87(2)(b) § 87(2)(b)'s § 87(2)(b) -old granddaughter, did not provide any statements regarding this aspect of the incident.

Event documents related to this incident show that at least seven units of officers responded to a 911 call from § 87(2)(b) reporting a dispute with a knife and guns (BR06). Out of 16

officers who were identified as responding to the incident based on information from the 121st Precinct Resource Recap Log and event documents, nine are white men and eight have black or brown hair (BR17). The incident began at 11:40 p.m., near the time of a patrol shift change.

Lt. Daniel Green PO Edward Aswad, and PO Parisi, all of the 121st Precinct, testified that they responded to § 87(2)(b) after receiving a radio run regarding an assault in progress involving a firearm and a knife (BR07-09). Their investigation at the location was confined to the front of the house and the first-floor apartment. All three officers denied entering the house through the front door to the second-floor apartment and were unaware of any other officer having done so.

The investigation identified several officers who responded to the location. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer David Parisi entered § 87(2)(b), 1st Floor in Staten Island.

§ 87(2)(b) testified that she spoke with officers outside of her first-floor apartment, directly in front of the doorway. § 87(2)(b) recounted to the officers that § 87(2)(b) had been threatening to fight people and caused damage to her front door. After speaking with the officers for about five minutes, a water bottle was thrown from inside the apartment, which hit § 87(2)(b) in the side of her face, and then bounced off of her and hit an officer in the chest. Immediately thereafter, about six to ten officers entered the first-floor apartment and arrested § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) had been inside the apartment behind § 87(2)(b). Nobody else spoke with the officers while § 87(2)(b) was speaking with them outside. § 87(2)(b) learned after the incident that it was a § 87(2)(b)-old girl, not § 87(2)(b) or § 87(2)(b) who had thrown the water bottle.

§ 87(2)(b) testified that she was standing behind the doorway to the apartment while § 87(2)(b) spoke with officers outside of the apartment. Someone inside the apartment, § 87(2)(b) did not know who, threw a water bottle at the officers outside. § 87(2)(b) and § 87(2)(b) had been standing next to § 87(2)(b) the whole time while § 87(2)(b) was speaking with the officers. About 80 officers entered the apartment.

§ 87(2)(b) and § 87(2)(b) were minors at the time of the incident. The CCRB spoke with their mother, § 87(2)(b) § 87(2)(b) who was uncooperative with the investigation and did not respond to contact attempts to obtain statements from her sons (See IAs for contact attempts).

The NYPD refused to release BWC video related to this incident without a signed release form due to the sealed juvenile arrests of § 87(2)(b) and § 87(2)(b).

Lt. Green, PO Parisi, and PO Aswad provided the following generally consistent testimony. They arrived at § 87(2)(b) in response to a 911 call reporting an assault involving a firearm and a knife. Upon arriving at the location, they encountered a large group of civilians arguing in front of the building. Officers tried speaking with various civilians to try and get basic information about what was happening and why 911 was called. Collectively, the officers did not remember any

specific information they received about the circumstances of the 911 call or expressed that they were unable to obtain information because the civilians were hostile and arguing with each other and with officers.

PO Parisi testified that while trying to ascertain from civilians what was happening, his attention was drawn to the front of the house where § 87(2)(b) and § 87(2)(b) were screaming profanities and belittling remarks towards other officers, he did not remember who because there were many officers at the location. PO Parisi did not remember what specific remarks were made. PO Parisi approached the front of the house. § 87(2)(b) and § 87(2)(b) continued screaming profanities and were inciting the other five to ten civilians at the front of the house to become combative with the officers, to which the civilians responded by beginning to scream at the officers. There was an interest in continuing to investigate the incident because it was still unresolved whether or not there was a firearm at the location. PO Parisi reached toward either § 87(2)(b) or § 87(2)(b) to arrest him for § 87(2)(b). Someone from inside the house pulled § 87(2)(b) and § 87(2)(b) inside the house. At the same time, someone inside the house threw a water bottle at PO Parisi, which hit him in the face. PO Parisi entered the first-floor apartment to arrest § 87(2)(b) and § 87(2)(b). PO Parisi also suspected that § 87(2)(b) or § 87(2)(b) had thrown the water bottle at him, but he did not see who threw it. Other officers followed behind PO Parisi.

Lt. Greene testified that he was outside the house and was ordering civilians to leave in order to prevent any further disputes. An individual was holding a phone with a bright flash within inches of PO Parisi's face. This individual was either § 87(2)(b) or § 87(2)(b) but Lt. Green could not distinguish who it was because they are identical twins. PO Parisi and the individual were both outside of the house. PO Parisi waved his arm in front of him and guided the individual's hand to the side and away from PO Parisi's face. The individual swung at PO Parisi with an open hand. Lt. Green did not know if this individual made contact with PO Parisi. PO Parisi grabbed the individual's arm and started placing his hands behind his back. Lt. Green did not know where or how this person was ultimately placed into custody. Moments later, Lt. Green saw out of the corner of his eye that a water bottle was thrown by someone either at the top of the stairs or inside the house and it hit an officer, Lt. Green did not know which officer. There were many civilians and officers in front of the entrance to the house when this started. All of the officers standing near him started moving into the house. Lt. Green followed believing that the officers were going to arrest the individual who threw the water bottle. There were 20-40 civilians inside and outside the house, which posed a safety concern for the officers.

PO Aswad testified that he and other officers were standing outside the home trying to figure out what was happening. PO Aswad did not remember what information was obtained from civilians about the 911 call. PO Aswad described that it was loud and there was a lot of yelling, but aside from describing that there was a "commotion," he could not describe in more specificity what was happening because there were many people, civilians and officers, outside the house. Ultimately, someone, PO Aswad did not know who or from where, threw an object at PO Parisi. PO Aswad and other officers followed PO Parisi into the apartment to arrest the individual.

Where an arrest has been set in motion in a public space, a civilian may not thwart the arrest by retreating into his residence. In such circumstances, the doctrine of hot pursuit permits the warrantless entry into the residence. People v. Caputo, 155 A.D.3d 648 (2017).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) testified that the six to ten officers walked past her as she stood in front of the doorway and entered her apartment. Officers who § 87(2)(b) could not describe knocked down § 87(2)(b) § 87(2)(b) s § 87(2)(b)-old son, seemingly accidentally because they did not see him. § 87(2)(b) could not see which officer(s) knocked down § 87(2)(b) or how this happened because there were so many people moving around obstructing her view.

When § 87(2)(b) § 87(2)(b) s mother, filed this CCRB complaint, she said officers knocked down § 87(2)(b) and stepped on him. However, § 87(2)(b) was uncooperative with providing a sworn statement (see IAs for contact attempts).

§ 87(2)(b) did not provide any testimony regarding this aspect of the incident.

PO Parisi testified that as he entered the apartment, there were several other officers entering at the same time. There were also many civilians inside the apartment. After entering the apartment, PO Parisi noticed that a small boy was on the floor. PO Parisi did not see how the boy came to be on the floor. PO Parisi helped pick the boy up.

Lt. Green and PO Aswad did not see anyone knock down a young child and did not do so themselves.

§ 87(2)(g)

Allegation (D) Force: Officers used physical force against § 87(2)(b)

Allegation (E) Force: Officers used physical force against § 87(2)(b)

Allegation (F) Force: Officers used a chokehold against § 87(2)(b)

Allegation (G) Force: Officers restricted § 87(2)(b) s breathing.

Allegation (H) Force: Officers used a chokehold against § 87(2)(b)

Allegation (I) Force: Officers restricted § 87(2)(b) s breathing.

§ 87(2)(b) testified that officers who she could only describe as white males, pushed § 87(2)(b) and § 87(2)(b) to the ground after entering the apartment. Officers held § 87(2)(b) and § 87(2)(b) down by their arms and legs. § 87(2)(b) and § 87(2)(b) both shook their upper

bodies as officers pulled their arms behind their backs, and an officer punched someone who she believed was § 87(2)(b) in the head. § 87(2)(b) has impaired vision which negatively impacted her ability to discern what was happening. She also has trouble distinguishing between § 87(2)(b) and § 87(2)(b) because they are identical twins.)

§ 87(2)(b) testified that she lost her balance and fell after the officers entered the apartment. She got up and noticed that officers were pulling § 87(2)(b)s and § 87(2)(b)s arms behind their back on the floor. An officer, described as a completely bald white man wearing a blue uniform, punched one of the twins, she did not know which, in the head twice.

When § 87(2)(b) filed this complaint, she said officers used a chokehold against § 87(2)(b) and § 87(2)(b) and restricted their breathing. However, § 87(2)(b) was otherwise uncooperative with the investigation (see IAs for contact attempts).

A brief cell phone video of the incident was submitted to the CCRB by § 87(2)(b) and was recorded by an unidentified civilian (BR02-03). From the start of the video through the 00:10 minute mark on the media player timestamp (visible at the bottom of the screen), Lt. Green, who is bald and dressed in a white shirt (visible in the middle of the frame at 00:03), is seemingly grappling with a civilian on the floor. The video does not show any officer punch the civilian. However, the video is brief and blurry due to rapid movements made by the recorder. An officer orders the recorder to go outside.

Lt. Green, a bald white male, testified that he entered the apartment following behind numerous other officers, he did not remember who. Either § 87(2)(b) or § 87(2)(b) was on the ground in front of him. Lt. Green did not remember how this individual came to be on the ground. Lt. Green pulled this individual's arms behind his back, but the individual resisted by tensing his arms and pulling his arms away. Aside from pulling this individual's arms behind his back, Lt. Green did not punch, use a chokehold, or use any other force against this individual. Lt. Green did not see any of this force be used against anyone.

PO Parisi testified that he entered the apartment and saw a woman pulling a young girl into a bedroom. The woman apologized to PO Parisi and said it was her daughter who threw the water bottle at him. PO Parisi turned around and observed § 87(2)(b) and § 87(2)(b) on the ground being handcuffed by officers. PO Parisi did not remember who was handcuffing § 87(2)(b) and § 87(2)(b). Many officers had entered the apartment and there were officers from different tours because the incident occurred near a tour change. PO Parisi did not see anyone punch § 87(2)(b) or § 87(2)(b) and nobody used a chokehold against them. PO Parisi denied that he used any force against § 87(2)(b) and § 87(2)(b) and denied using a chokehold against anyone.

PO Aswad testified that after entering the apartment, he may have helped hold down the legs of one of the individuals who was arrested, but he did not remember for sure if he did. PO Aswad denied punching or using a chokehold against anyone, and denied seeing any other officer do so.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

Allegation (J) Force: Officers used physical force against § 87(2)(b)

Allegation (K) Force: An officer used a chokehold against § 87(2)(b)

§ 87(2)(b) said that while officers were handcuffing § 87(2)(b) and § 87(2)(b) inside the house, she turned around toward her front lawn and saw four or five officers grab § 87(2)(b) by the arms, and pull him off of the stoop onto the front lawn. § 87(2)(b) put his hands up and asked what was wrong. An officer who § 87(2)(b) could not describe stood behind § 87(2)(b) and wrapped his forearm around § 87(2)(b)'s neck. § 87(2)(b) turned around to see what was happening inside her house and was ordered by an officer to go outside. § 87(2)(b) did not see what was happening with § 87(2)(b) outside; she remained focused on the interior of the house and asked officers if she could enter to remove the children who were still inside. § 87(2)(b) was not arrested or summonsed.

§ 87(2)(b) was unavailable to the investigation (See IAs for contact attempts).

No documentation, such as an arrest, summons, or Threat, Resistance, and Injury (TRI) report were identified related to § 87(2)(b)

Lt. Green, PO Parisi, and PO Aswad had no knowledge of any physical struggle between officers and any civilian outside of the house. All three officers denied using any force against anyone outside, denied using a chokehold against anyone, and denied seeing this occur.

§ 87(2)(g)

Allegation (L) Abuse of Authority: Officers searched § 87(2)(b), 1st Floor in Staten Island.

§ 87(2)(b) testified that she went back into her house after the officers left and observed that the contents of multiple laundry bags in her living room had been emptied onto the floor. Aside from the laundry bags, § 87(2)(b) did not notice anything else that was moved.

PO Parisi testified that during the physical struggle between officers, § 87(2)(b) and § 87(2)(b) clothing was knocked to the floor in the living room. Lt. Green testified that upon entering the apartment, he observed that there was already clothing strewn about the floor. Both officers testified that they sifted through the clothing on the floor after § 87(2)(b) and § 87(2)(b) were in custody because an officer's body worn camera fell to the floor during the struggle and was missing. Neither PO Parisi nor Lt. Greene remembered who found the missing camera or from where it was recovered. PO Parisi, PO Aswad, and Lt. Green denied searching any bags or other closed containers and did not see any other officer do so.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been a party (BR11).
- This is the fifth CCRB complaint to which § 87(2)(b) has been a party.
 - § 87(2)(b)
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 -
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- This is the third CCRB complaint to which § 87(2)(b) has been a party (BR11).
 - § 87(2)(b)
 -
- This is the fourth CCRB complaint to which § 87(2)(b) has been a party (BR11).
 - § 87(2)(b)
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PO Parisi has been a member of the service for six years and has been a subject in five CCRB complaints involving six allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of the NYC Comptroller, no Notice of Claim has been filed regarding this incident (BR12).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
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- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[redacted]
[redacted]
[redacted]
[redacted]
- [redacted]
[redacted]

Squad No.: 13

Investigator: _____ SI Rolando Vasquez 06/01/2020
Signature Print Title & Name Date

Squad Leader: _____ IM Laura Kastner 06/01/2020
Signature Print Title & Name Date